

# FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> Street, SW  
Washington, DC 20554

MEDIA BUREAU  
AUDIO DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730

PROCESSING ENGINEER: ROBERT GATES  
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INTERNET ADDRESS: Robert.Gates@fcc.gov

MAY 08 2014

Cumulus Licensing LLC  
3280 Peachtree Road, NW  
Suite 2300  
Atlanta, GA 30305

In re: INTERFERENCE COMPLAINT  
W255CJ, Atlanta, GA  
BLFT-20110915ACL  
Facility ID # 148550

Dear Licensee:

This refers to interference complaints filed by WKNG, Inc. filed March 28, 2014. The interference complaints are attached. The complaints allege that W255CJ is interfering with the reception of WWGA(FM), Tallapoosa, Georgia.

Pursuant to 47 C.F.R. § 74.1203, W255CJ is required to eliminate any actual interference it causes. Therefore, it is necessary for W255CJ to submit a detailed report on the attached complaint even if the complainant might have been addressed in a previous proceeding. For the complaint, the report must include: (1) the name and address of the complainant; (2) specific devices receiving the interference (i.e. type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by W255CJ for each device allegedly receiving the interference and whether such interference persists. Each of the complaints must be addressed individually.

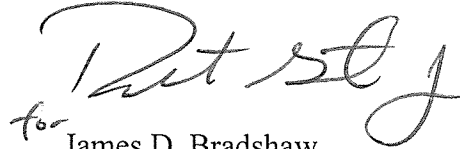
The Commission's Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3) states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.<sup>1</sup> Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b) states that if the interference cannot be properly eliminated by the application of suitable techniques, the

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<sup>1</sup> An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, W255CJ must take appropriate actions required by the provisions of 47 C.F.R. § 74.1203 to resolve all complaints of interference to fulfill its obligations. Further action on this complaint will be withheld for a period of thirty days from the date of this letter to provide W255CJ an opportunity to respond. Failure to correct all complaints within this time may require W255CJ to suspend operation pursuant to 47 C.F.R. §§ 74.1203(e) and 74.1232(h).

A handwritten signature in black ink, appearing to read "J. Bradshaw", with a small "to" written to the left of the signature.

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

Attachment

CC: Mark Denbo (via Email)  
Peter Gutmann (via Email)

Accepted/Filed

MAR 28 2014

FCC Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Cumulus Licensing LLC

FM Translator W255CJ, Atlanta, Georgia  
Facility No. 148550

FCC File No. BLFT-20110915ACL

To: The Secretary  
Attn: Media Bureau, Audio Division

INTERFERENCE COMPLAINT

WKNG, Inc. ("WKNG"), the licensee of FM broadcast station WWGA, 98.9 MHz, Tallapoosa, Georgia, Facility No. 183308 ("WWGA" or the "Station"), by its counsel and pursuant to Section 74.1203 of the Commission's rules, respectfully requests that the Media Bureau order Cumulus Licensing LLC ("Cumulus") to immediately cease operating FM Translator W255CJ, which also operates on 98.9 MHz (the "Translator") because it is causing harmful interference to the reception of the WWGA signal by the Station's regular listeners. Such suspension of operations must continue until Cumulus has rectified all interference complaints so that further injuries being sustained on a daily basis by WWGA and its listeners do not continue unabated. In support thereof, the following is stated:<sup>1</sup>

<sup>1</sup> WKNG respectfully requests that the Commission treat this Complaint as a new complaint against Cumulus and not as part of the interference proceeding that began with WKNG's initial complaint against the Translator, filed on September 27, 2011 (the "Previous Proceeding"). Although WWGA's listeners have been experiencing interference to their enjoyment of WWGA due to the Translator's operation since at least September 2011 (if not earlier), the complaints set forth in the Previous Proceeding have become bogged down by a myriad of pleadings from both parties over the past three-plus years, primarily focusing on procedural matters. Against that background, by this pleading, WKNG is commencing an entirely new complaint proceeding, with new complainants who are indisputably regular listeners of the Station who are receiving interference from the Translator and "disinterested" in the legal outcome of this proceeding. To the extent necessary, WKNG respectfully requests the voluntary dismissal of its pleadings comprising the Previous Proceeding. However, to clarify, WKNG is not seeking voluntary dismissal of the pleadings it filed in conjunction with its petition to deny the pending application for the renewal of the Translator's license (File

Section 74.1203(a) of the Commission's rules provides:

An authorized FM translator...will not be permitted to continue to operate if it causes any actual interference to: (1) the transmission of any authorized broadcast station...or (3) the direct reception by the public of the off-the-air signals of any authorized broadcast station...Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator..., regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.”

The Bureau has established on multiple occasions that the existence of actual interference to the direct reception by the public of off-the-air signals of an authorized broadcast station is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator facility.<sup>2</sup>

The existence of interference to the Station from the co-channel Translator is very real. Attached hereto as Exhibit A are copies of eight (8) written declarations under penalty of perjury from WWGA listeners, each one setting forth the declarant's name and address, establishing that the declarant is a regular listener of the Station at the location set forth on a corresponding map, and that the Translator is causing impairment to that listener's ability to receive the Station from that location. Separate maps – each one showing where the declarant is receiving the interference – are attached hereto as Exhibit B. Each declarant also avers that he/she has no personal or business connection of any kind with WKNG or any member, officer or employee of WKNG, nor any legal stake in the outcome of this proceeding. Each declarant simply wants to be able to hear WWGA without interference from the Translator. Thus, the declarations conform with Commission policy.

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No. BRFT-20111201PCV) and respectfully requests that the Commission continue its review of the matters raised in WKNG's filings.

<sup>2</sup> See, e.g., *Letter to Costa-Eagle Radio Ventures Limited Partnership* from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau, dated May 20, 2011, in reference to an interference proceeding involving FM translator W221CH, Newton, NH (Facility No. 155444) (“*Costa-Eagle*”).

That many of the depicted locations are outside of the Station's 60 dbμ contour is irrelevant to Cumulus' obligations to resolve the interference caused by the Translator.<sup>3</sup>

In addition, each declaration indicates that WKNG provided the declarant with a t-shirt to thank the declarant for stepping forward with the necessary information to support this complaint. The Bureau has clarified that the "mere provision of a t-shirt as an accommodation for the filing of an interference complaint does not rise" to the level of a prohibited financial relationship with the Station receiving interference.<sup>4</sup> Thus, the fact that each declarant received a t-shirt from the Station does not change the fact that each such declarant is suffering interference to his/her reception of the Station caused by the Translator, which interference the Commission must rectify.

Section 74.1203(b) of the Commission's rules provides that an FM translator will not be permitted to operate unless the interference can properly be eliminated by the application of suitable techniques. Short test transmissions are permitted during the period of suspended operation to determine whether the remedial measures are working.<sup>5</sup> WKNG pledges to work with Cumulus in Cumulus' good faith efforts to eliminate the interference from the Translator to WWGA using such suitable techniques.

But in the meantime, the rule is clear: an FM translator cannot continue operating on anything other than a short-time basis if it interferes with any other station. Because the Translator

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<sup>3</sup> *Id.* at 2, note 1. WKNG also possesses audio recordings of the simultaneous transmissions of WWGA and the Translator, taken by the Station's production staff and/or general manager at each location set forth in Exhibit B. The recordings were undertaken as part of the Station's process of confirming that each complaint attached hereto was bona fide. Each audio recording is further evidence that the interference being received at the declarant's location by the Translator to the WWGA signal is authentic. WKNG can provide these recordings to Commission staff upon request.

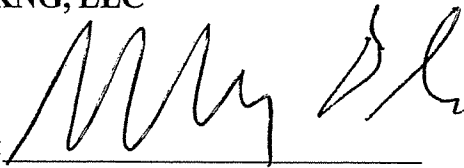
<sup>4</sup> *Costa-Eagle* at 2.

<sup>5</sup> In *Letter to Radio Power, Inc.* from James D. Bradshaw, Deputy Chief, Audio Division, Media Bureau, DA 11-1727 (October 18, 2011), the Bureau set forth the types of suitable techniques that FM translator licensees could employ to eliminate interference to other broadcast stations.

interferes with WWGA, the Commission must immediately order that the Translator suspend operations. If Cumulus is unable to solve the interference issues within a reasonable timeframe, the Commission must revoke the Translator's license, consistent with Section 74.1203 of the Commission's rules.

Respectfully submitted,

WKNG, LLC

By: 

Mark B. Denbo  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, DC 20016

Its Attorneys

March 28, 2014

**DECLARATION OF STEVEN L. GRADICK**

I, Steven L. Gradick, hereby declare under penalty of perjury as follows:

1. I am the President of WKNG, LLC.
2. I have reviewed the Interference Complaint being filed with the Federal Communications Commission and the facts stated therein are true and correct to the best of my knowledge, information and belief.

Executed on the 27 day of March, 2014.

  
Steven L. Gradick

# **EXHIBIT A**

**Declarations From WWGA Listeners**



**DECLARATION UNDER PENALTY OF PERJURY**

Lynne Bradshaw (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 23 day of 07, 2014

Lynne Bradshaw

[Signature of Declarant]

299 Daniel Rd. Villa Rica GA 30180

[Address of Declarant]

404-578-8758

[Phone Number of Declarant]

DECLARATION UNDER PENALTY OF PERJURY

GEORGE AKEENS (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 3<sup>rd</sup> day of March, 2014.

George Akeens  
[Signature of Declarant]

217 THOMPSON DR. BOWDON, GA. 30108  
[Address of Declarant]

(CW) 678-301-9604  
[Phone Number of Declarant]

**DECLARATION UNDER PENALTY OF PERJURY**

FREDRIC A MOORE (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

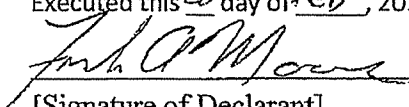
Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 28 day of FEB, 2017.

  
[Signature of Declarant]

94 Legend Dr., Villa Rica, GA 30180  
[Address of Declarant]

770-301-3238  
[Phone Number of Declarant]

**DECLARATION UNDER PENALTY OF PERJURY**

HUGHLEN PADGETT (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 25 day of FEB, 2014.

Hughlen A Padgett

[Signature of Declarant]

#68 Hwy 120, TALLAPOOSA, GA

[Address of Declarant]

205-746-6707

[Phone Number of Declarant]

DECLARATION UNDER PENALTY OF PERJURY

Mark E. Wagner (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 15 day of Feb. 2014.

Mark E. Wagner  
[Signature of Declarant]

209 Raleigh Way Villa Rica, GA 30180  
[Address of Declarant]

(770) 500-8740  
[Phone Number of Declarant]

**DECLARATION UNDER PENALTY OF PERJURY**

GENE DUKE (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 23 day of Jan, 2014.

Gene Duke

[Signature of Declarant]

120 MINK HOLLOW DR. CARROLLTON, GA 30116

[Address of Declarant]

CP 770 / 337-5794 (H) 770-832-2732

[Phone Number of Declarant]

**DECLARATION UNDER PENALTY OF PERJURY**

Jason Sparks (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 20 day of Jan 2014.

Jason Sparks  
[Signature of Declarant]

42 King Edward Dr Dallas GA 30157  
[Address of Declarant]

770-942-9061  
[Phone Number of Declarant]

**DECLARATION UNDER PENALTY OF PERJURY**

Randy S Wilson (Name of Declarant) under penalty of perjury, declares as follows:

I am a regular listener to the programs broadcast by FM Radio Station WWGA, Tallapoosa, Georgia, which is heard at 98.9 on the FM dial.

Another station is interfering with my hearing WWGA. I have learned that the station is an FM Translator with call letters "W255CJ" broadcasting on 98.9 from Atlanta, Georgia.

Until W255CJ went on the air, I could clearly hear WWGA at the locations marked on the attached map. I can no longer hear WWGA at those locations. Reception of the signal of WWGA is impaired by signals radiated from W255CJ. I have regularly "used" i.e., listened to, the signal of WWGA at those locations, but reception is greatly impaired by W255CJ.

Please order W255CJ to stop interfering with my reception of WWGA.

WKNG, LLC, gave me a T-Shirt to thank me for calling the station and helping them stop the interference. I have had, and now have no personal or business connection of any kind with WKNG, LLC, or any member, officer, or employee of WKNG, LLC. I have no legal stake in the outcome of my complaint. I just want the FCC to make W255CJ stop interfering with WWGA.

Executed this 18 day of Jan, 2014.

Randy S. Wilson  
[Signature of Declarant]

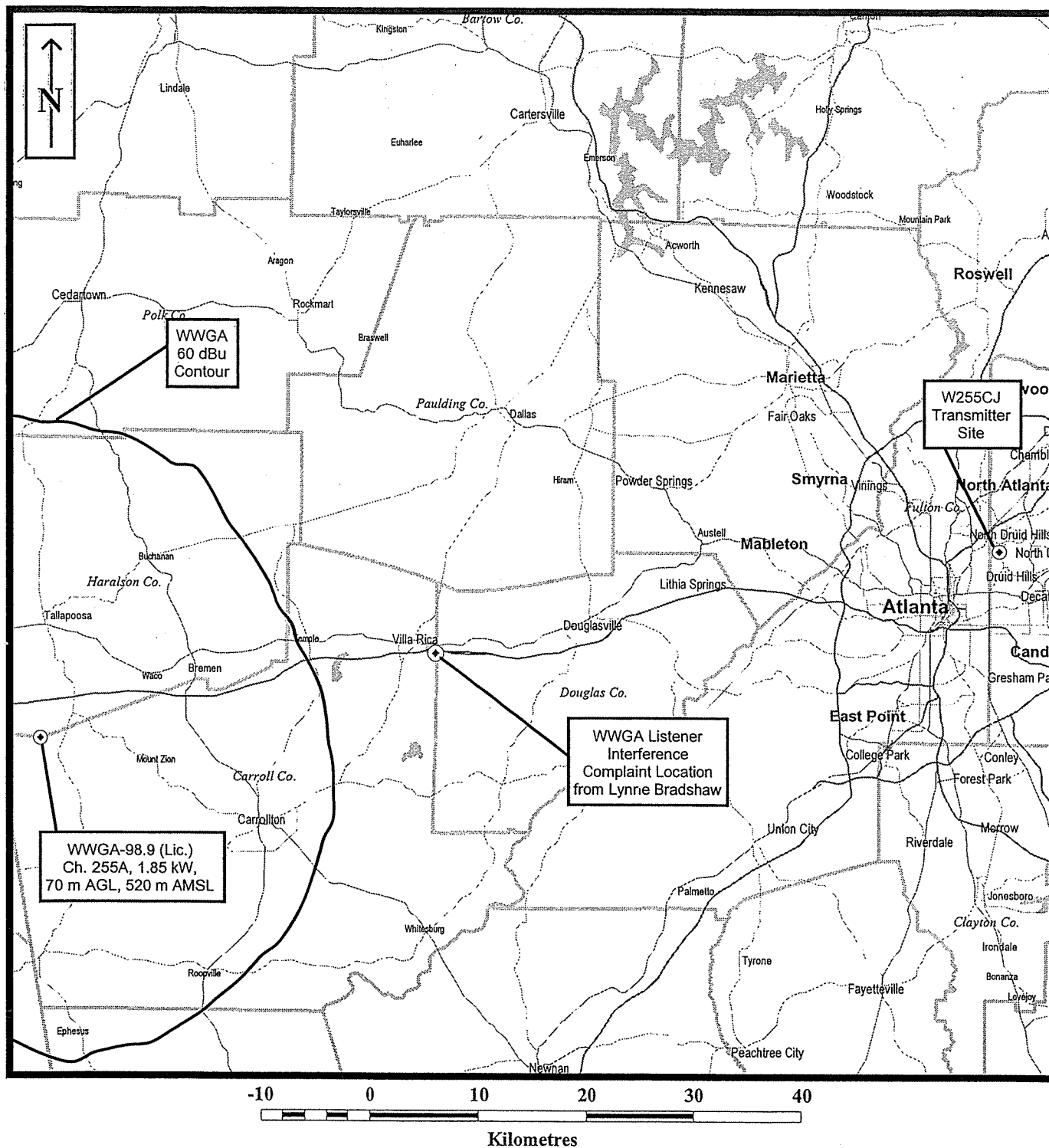
145 Elizabeth Place Hiram GA 30144  
[Address of Declarant]

404-956-6178 / 678-973-6995  
[Phone Number of Declarant]



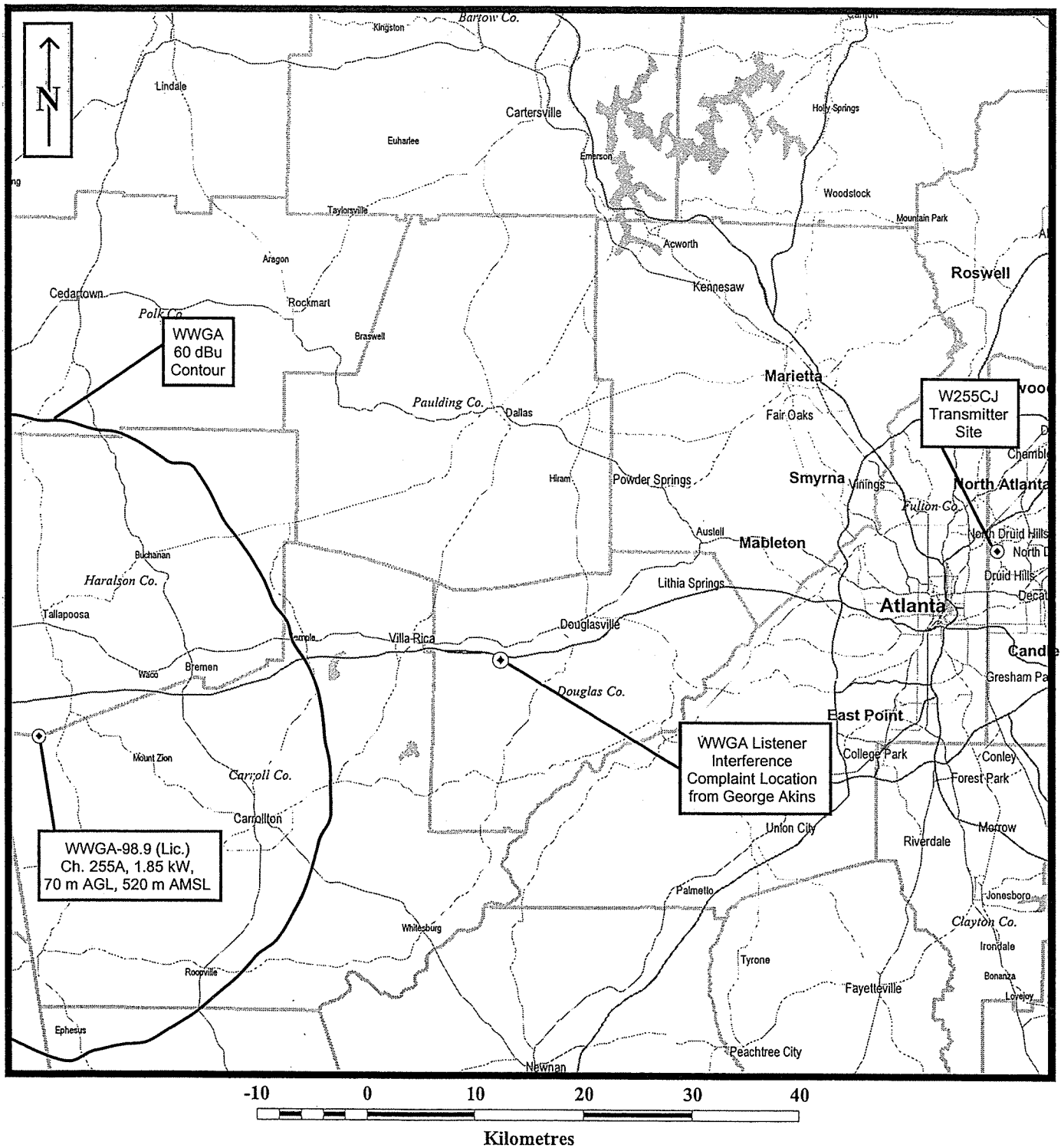
# **EXHIBIT B**

## **Corresponding Interference Maps**



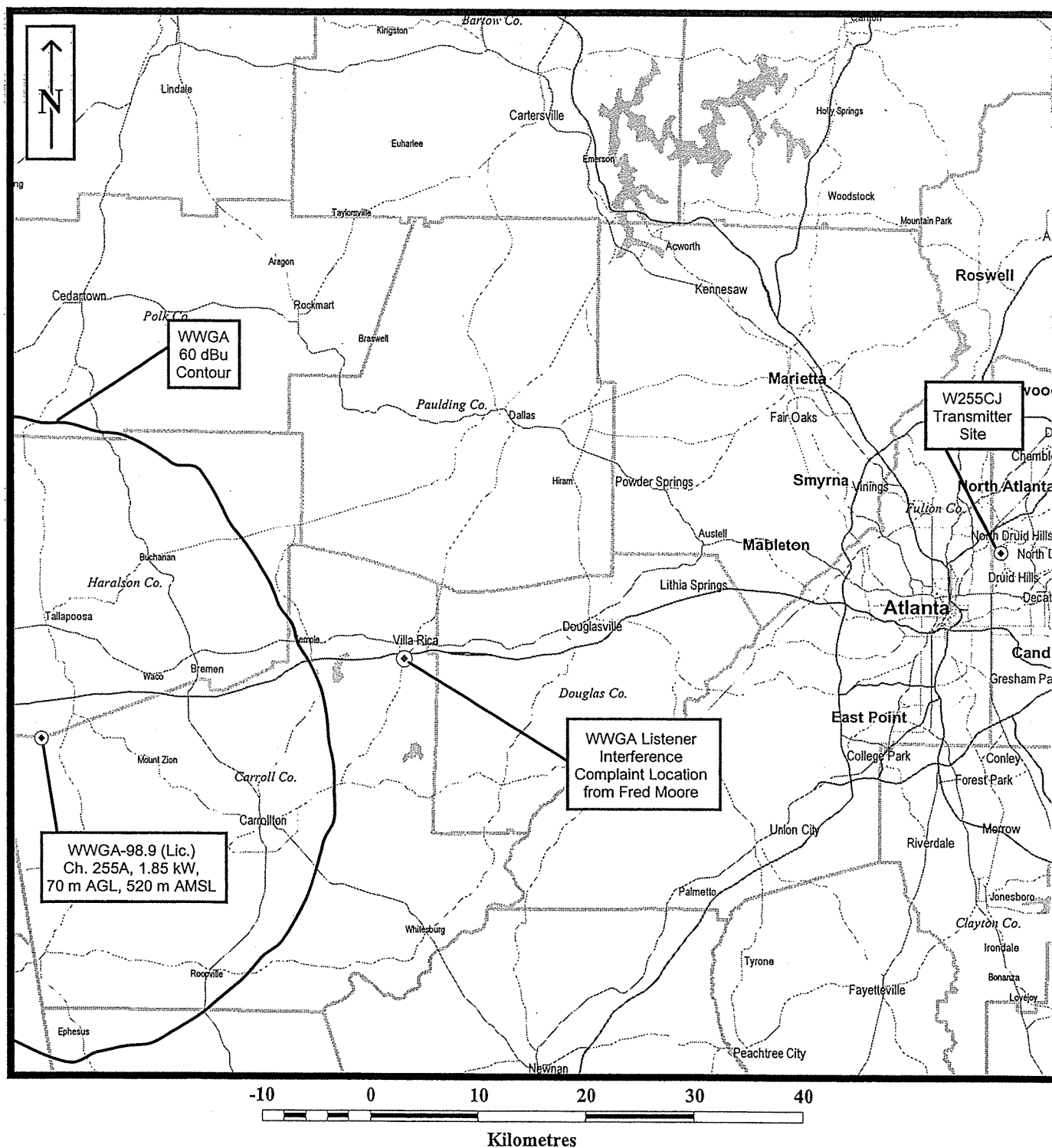
## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON LYNNE BRADSHAW COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida



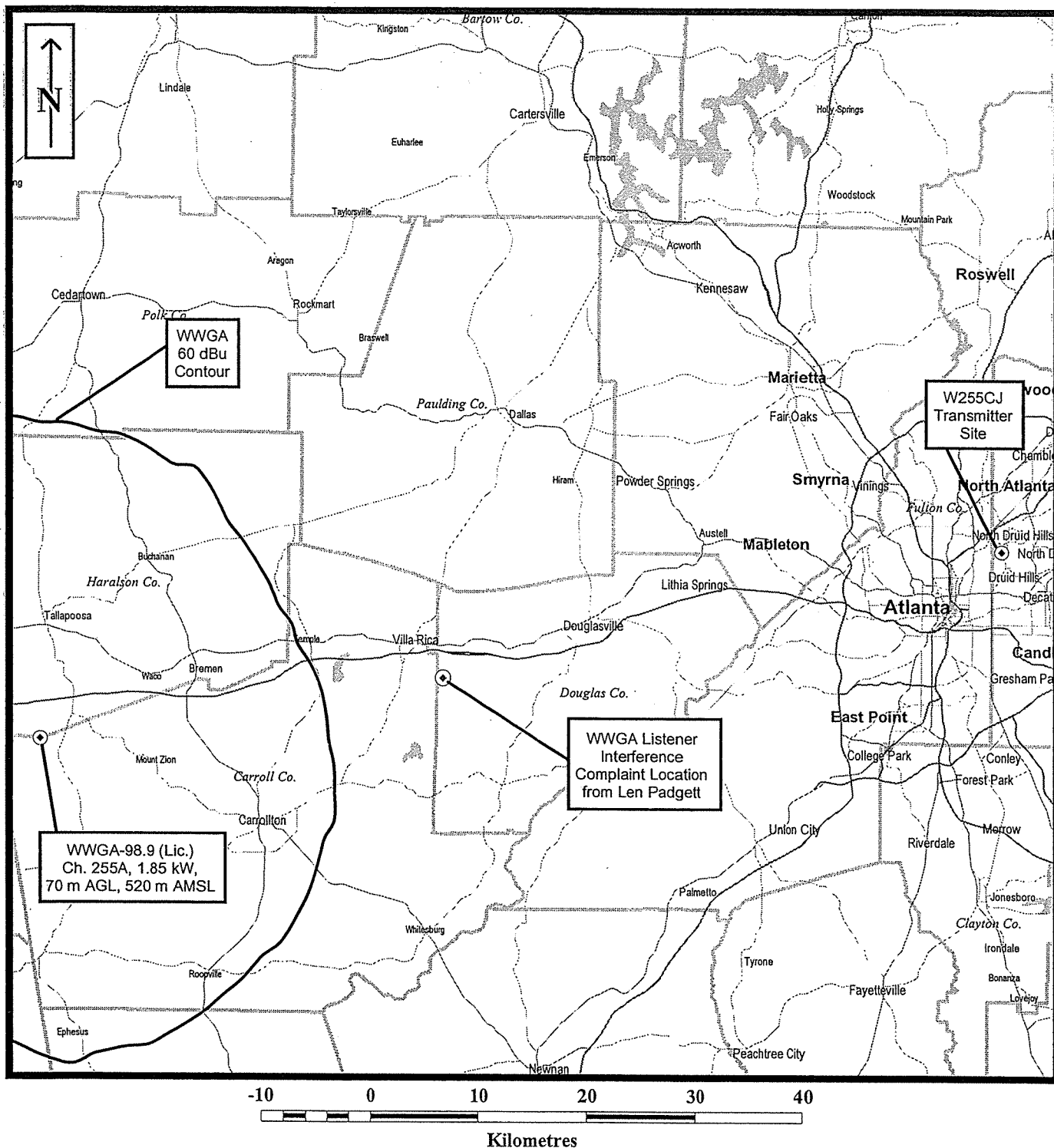
## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON GEORGE AKINS COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida



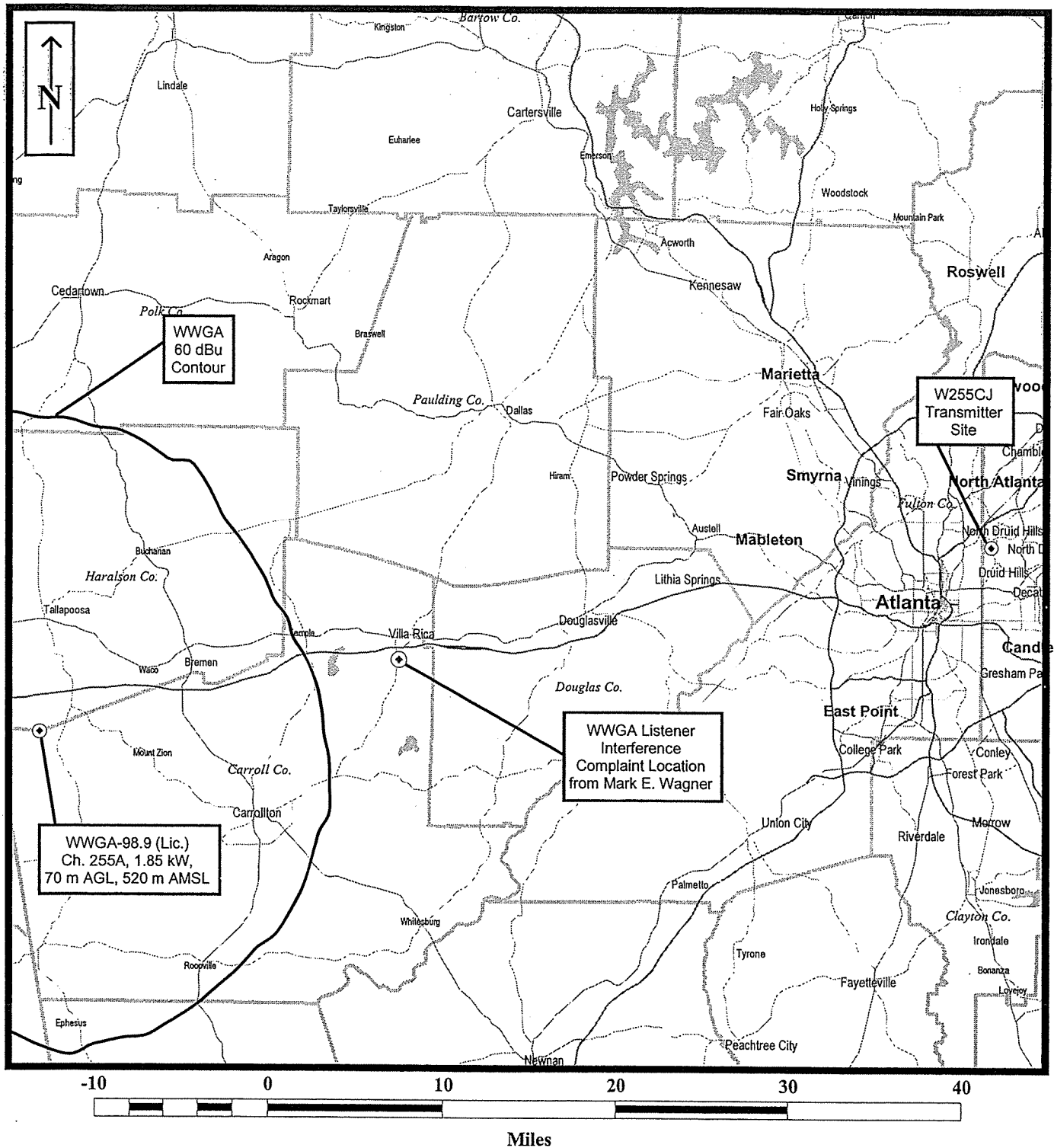
## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON FRED MOORE COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida



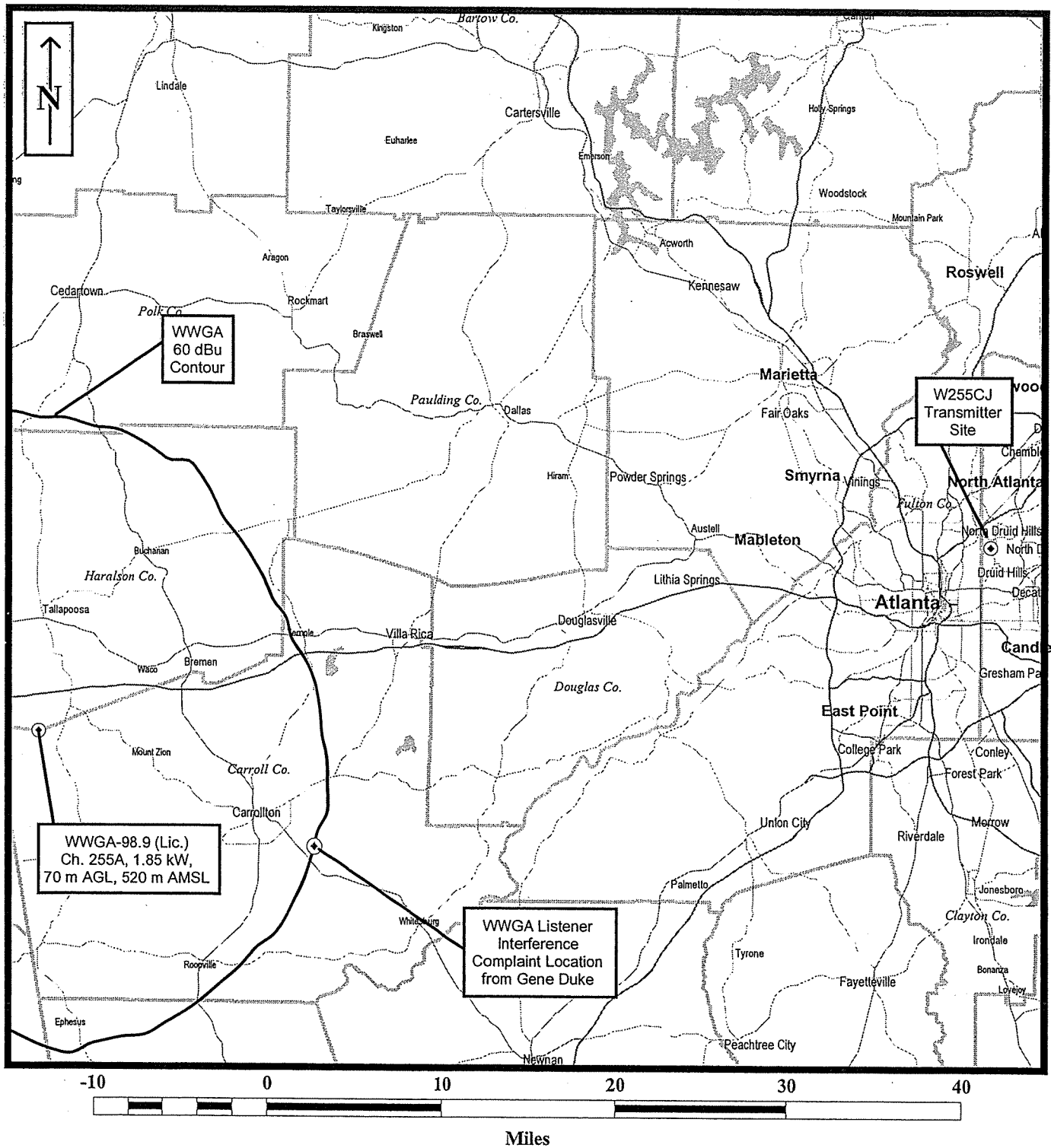
## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON LEN PADGETT COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida



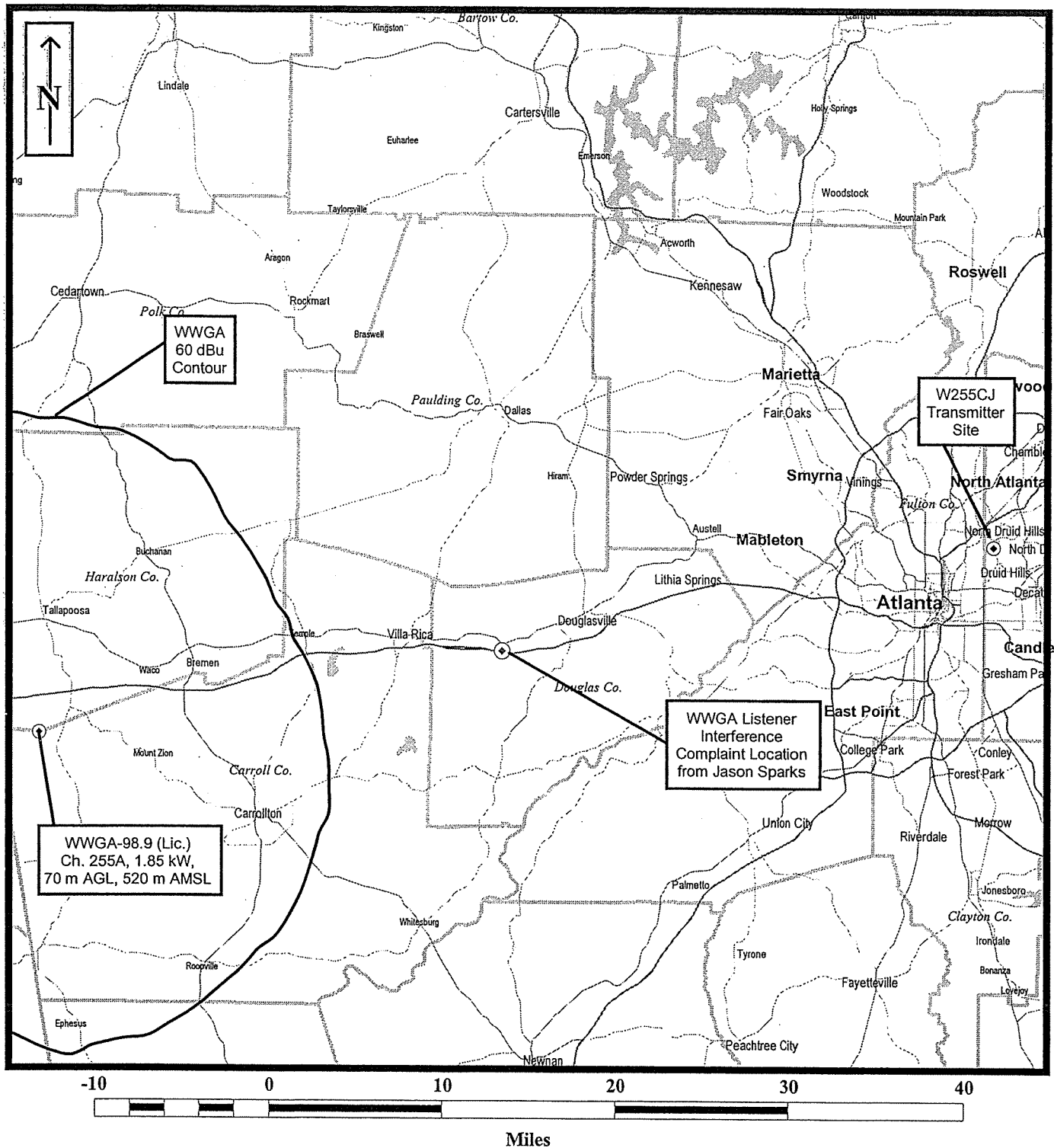
## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON MARK E. WAGNER COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida



## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON GENE DUKE COMPLAINT

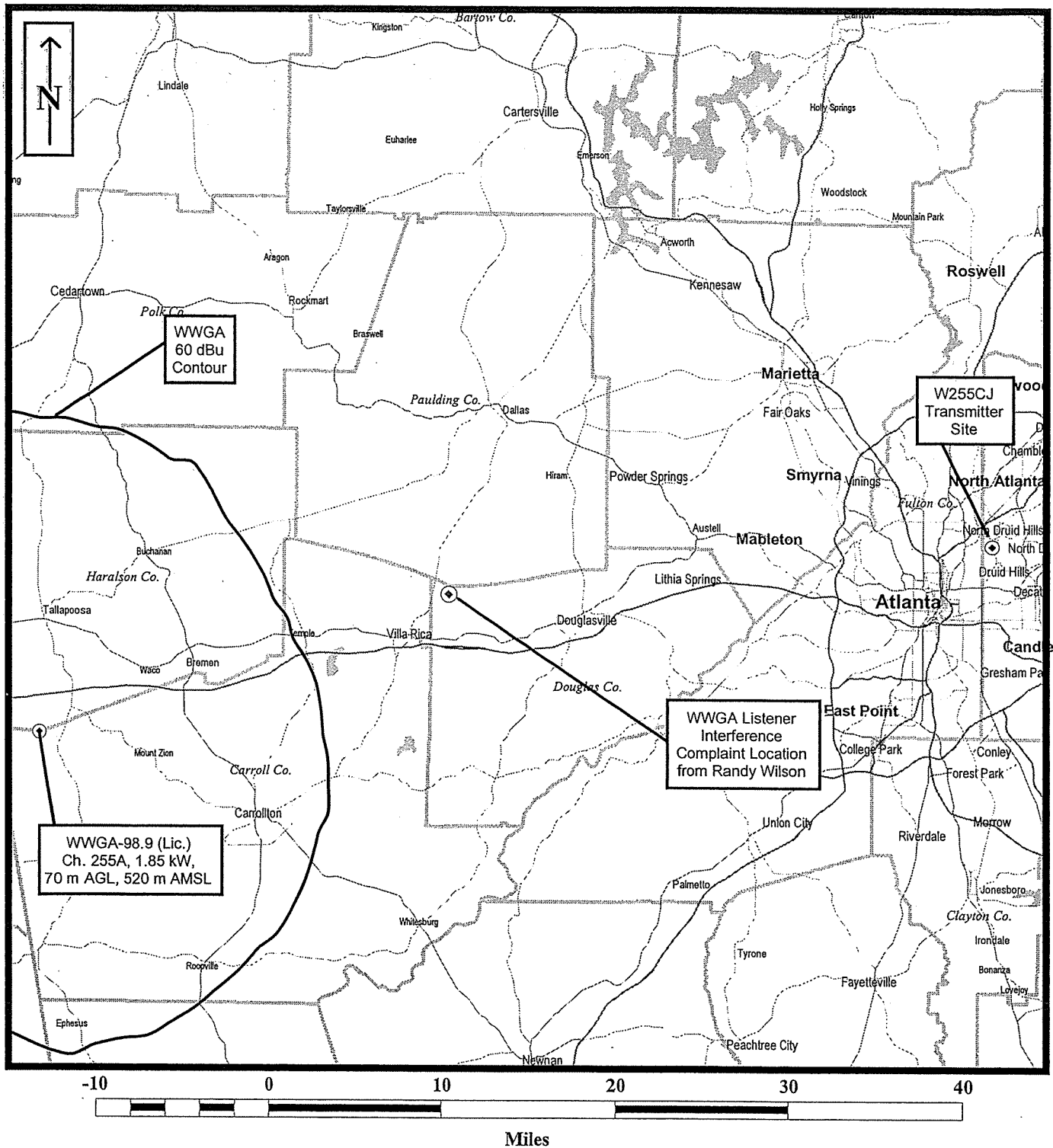
duTreil, Lundin & Rackley, Inc. Sarasota, Florida



## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON JASON SPARKS COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida





## LOCATION OF INTERFERENCE TO WWGA FROM W255CJ BASED ON RANDY WILSON COMPLAINT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida


**CERTIFICATE OF SERVICE**

Sherry L. Schunemann, hereby certify that copies of the foregoing Interference Complaint were this 28<sup>th</sup> day of March, 2014, sent via First Class Mail, postage pre-paid, to the following:

Mr. James Bradshaw, Deputy Chief \*\*  
Audio Division, Media Bureau  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, DC 20554

Mr. Robert Gates \*\*  
Audio Division, Media Bureau  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, DC 20554

Mr. John Garziglia  
Mr. Peter Gutmann  
Womble Carlyle Sandridge & Rice, P.C.  
1200 19th Street, N.W.  
Suite 500  
Washington, DC 20036

  
Sherry L. Schunemann

\*\* Via e-mail